

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1-3 and 6 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,819,269 to Klayman. The Examiner has further rejected claims 4, 5 and 7-10 under 35 U.S.C. 103(a) as being unpatentable over Klayman.

The Klayman patent discloses an extended imaging split mode loudspeaker system which comprises at least a first and a second sound-generating means.

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Examiner has indicated that Klayman teaches the limitation "the device has an interconnected first and second part comprising the first and the second sound-generating means,

respectively", and states "Figure 4, teaches that the speakers can be arranged in a single housing; column 5, lines 36-40, Figure 8 teaches that the speakers can be mounted in a vehicle, the speakers are implicitly interconnected".

Applicants submit that while the arrangement of Figure 4 may arguably show that the speakers are interconnected, the same cannot be said for the arrangement of Figure 8. While the speakers are mounted in the same vehicle, there is no disclosure that the speakers are "interconnected". Rather, in this embodiment, the speakers are independent units, each mounted in different areas of the vehicle, e.g., the lower portions of the doors, the upper surface of the dashboard, the center console pointing toward the rear of the vehicle, etc.

The Examiner has further indicated the Klayman teaches the limitation "the first part being formed so as to couple soundwaves generated by the first sound-generating means into a surface when said device placed upon said surface" and indicates that Klayman, Figure 8 discloses the limitation implicitly.

Applicants submit that the Examiner is mistaken. In particular, as described in the specification on page 7, lines 15-16, "Normally, sound-generating means are positioned inside loudspeakers so that they are decoupled with the housing and the outside world as much as possible." Applicants urge that this is the situation with Klayman. There is no disclosure or suggestion in Klayman that "the first part being formed so as to couple soundwaves generated by the first sound-generating means into a

surface when said device placed upon said surface". The only discussion about soundwaves in Klayman is that the higher frequencies in the soundwaves from the lower-mounted wide-dispersion loudspeakers is that the fabrics contained within the vehicle will absorb the higher frequencies. However, there is no disclosure or suggestion of coupling the soundwaves from the first sound-generating means into a surface when the device is placed upon the surface.

In view of the above, Applicants believe that the subject invention, as claimed is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-10, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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